



***de maximis, inc.***

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December 17, 2012

**VIA ELECTRONIC & US MAIL**

Ms. Stephanie Vaughn  
ATTN: Lower Passaic River Remedial Project Manager  
Emergency and Remedial Response Division  
U.S. EPA, Region 2  
290 Broadway, 19th Floor  
New York, New York 10007

**Re: Monthly Progress Report No. 3 – December 2012  
Lower Passaic River Study Area (LPRSA)  
River Mile 10.9 Removal Action  
CERCLA Docket No. 02-2012-2015**

Dear Ms. Vaughn:

**de maximis, inc.** is submitting this Monthly Progress Report for the above-captioned project on behalf of the Cooperating Parties Group (CPG) pursuant to the Administrative Settlement Agreement and Order on Consent for Removal Action (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 28 of the River Mile (RM) 10.9 Settlement Agreement.

**(a) Actions which have been taken to comply with this Settlement Agreement during the month of November, 2012.**

**Meetings/Conference Calls**

- On November 15, CPG met with Neglia Engineering to obtain CAD drawings of the storm outfalls from the Township of Lyndhurst into the Passaic River and request supporting design and cost data on the Township's proposed storm water outflow protection plan. During the meeting, CPG received from Neglia Engineering CAD drawings showing the location of all storm outlets from Lyndhurst to the Passaic River and reviewed them as part of ongoing efforts to identify possible removal action impacts on utilities that have lines or outlets near the removal area. The Township of Lyndhurst has not yet provided information that was requested via Neglia Engineering to provide supporting documentation on the design and cost of the proposed storm water protection system that will allow CPG to evaluate the reasonableness of its request for funding to implement that system.
- On November 16, CPG held a conference call with EPA to discuss NJDEP's recent comments to the Basis of Design Report (BOD-R).
- On November 29, CPG met with NJDEP to discuss approaches to permit equivalent requirements.
- On November 30, CPG held a conference call with EPA to give an overview of the draft Pre-Final Design Report and to discuss planned interactions with NJDEP.

**Ms. S. Vaughn**

**RM 10.9 REMOVAL ACTION- Progress Report No. 3 – November 2012**

**December 17, 2012**

**Page 2 of 4**

### **Correspondence**

- On November 1, CPG contacted NJDEP to request a meeting to discuss permit equivalent requirements associated with the RM 10.9 Removal Action.
- On November 5, NJDEP suggested a meeting date with CPG in the last half of November because of the unavailability of essential personnel.
- On November 5, EPA and CPG agreed to a November 30 submittal date for the Pre-Final Design Report to account for the impact on CPG personnel by Hurricane Sandy.
- On November 12, EPA forwarded to CPG additional comments on the BOD-R that it had recently received from NJDEP.
- On November 12, CPG submitted a Force Majeure notice to EPA related to Hurricane Sandy impacts that confirmed a revised submission date of November 30 for the Pre-Final Design Report.
- On November 14, NJDEP and CPG agreed to a meeting date of November 29 at the Department's offices in Trenton.
- On November 16, CPG received from EPA copies of the US Army Corps of Engineers Dredging Manual and the Implementation Guide for Assessing and Managing Contaminated Sediments at Navy Facilities, which NJDEP suggested the CPG refer to when completing the Design Reports.
- On November 28, CPG received from NJDEP a proposed agenda for the November 29 meeting.
- On November 30, CPG uploaded to EPA's SharePoint site a draft Pre-Final Design Report with all Appendices except Appendices E and I which will involve sampling and analytical procedures and which will be submitted in draft form to EPA prior to their inclusion in the draft Final Design Report. Appendix E will be for water quality monitoring during construction; Appendix I will be for sediment sample collection and analysis to support cap design and disposal options.
- On November 30, CPG provided draft minutes to NJDEP of discussion and agreement points from the November 29 meeting.

### **Work**

- On November 15, in response to NJDEP's comments, CPG reviewed ecological data collected in the RM 10.9 area. It indicated that the removal area is a submerged mudflat with no submerged vegetation (consistent with the CPG's submitted *Habitat Identification Survey Data Report for the Lower Passaic River Study Area*).
- Continued removal action design activities, including runs of the Capsim model for cap design with mercury inputs from Dr. U. Ghosh (University of Maryland) and updating the cap armor layer design based on 100 year storm flow characteristics.
- CPG engaged Clean Earth and Cashman in discussions regarding how the NJDEP's November 14 comments on the BOD-R would impact their processing of RM 10.9 sediments.

**Ms. S. Vaughn**

**RM 10.9 REMOVAL ACTION- Progress Report No. 3 – November 2012**

**December 17, 2012**

**Page 3 of 4**

- Prepared response-to-comments for the November 14 NJDEP comments on the BOD-R and determined which could be addressed in draft Pre-Final Design Report due on November 30.
- CPG continued preparation of Request for Proposals (RFPs) for dredging/capping, material transport, stabilization and T&D aspects of the removal action.
- Prepared Pre-Final Design Report for submission.

**(b) Results of Sampling and Tests**

- No sampling or analytical data were obtained or submitted in November 2012.

**(c) Work planned for the next two months with schedules relating to the overall project schedule for design completion**

- Continue working with NJDEP on permit equivalents (Air and Tidelands Commission) for the dredging and capping operation.
- Work with potential stabilization vendors to assist them in air and Acceptable Use Determination (AUD) permit applications for handling RM 10.9 sediments.
- Coordinate with NJDEP on involvement of FWS and NJ SHPO in permitting efforts.
- Contact the US Army Corps of Engineers to discuss their interest in this project.
- Arrange a meeting with Township of Lyndhurst representatives after they have an opportunity to review the draft Pre-Final Design Report.
- Develop and implement a QAPP Addendum for additional sampling of RM 10.9 sediments to (a) support the cap (and active layer) design process, (b) collect baseline pore-water, and (c) obtain additional confirmation being requested by landfill facilities that the sediments do not have any hazardous waste characteristic.
- Develop a QAPP addendum for water quality monitoring during dredge and capping operations.
- Prepare for and conduct cap design and dredge material characterization sampling field work.
- Develop stabilization bench scale testing plans requested by NJDEP.
- Finalize and send RFPs to dredging and marine contractors, stabilization and/or sediment dewatering contractors, transportation and landfill operators. Receive and evaluate proposals from these contractors.
- Respond to EPA and other stakeholder comments on Pre-Final Design Report.

**Ms. S. Vaughn**

**RM 10.9 REMOVAL ACTION- Progress Report No. 3 – November 2012**

**December 17, 2012**

**Page 4 of 4**

**(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays**

- There is still no resolution concerning the Tierra/Maxus/Occidental (TMO) UAO and their participation in the RM 10.9 Removal Action. As documented in CPG's correspondence of July 27 and September 7, the offer from TMO was inadequate and provided no meaningful value to the RM 10.9 Removal Action.

If you have any questions, please contact Bill Potter, Rob Law or me at (908) 735-9315.

Very truly yours,

**de maximis, inc.**



Stan Kaczmarek

RM 10.9 Removal Action Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel  
William Hyatt, CPG Coordinating Counsel  
Jay Nickerson, NJDEP  
Roger McCready, CH2M Hill